

19337. Adulteration and misbranding of lima beans. U. S. v. Robert H. Wilkinson and John B. Park (E. W. Mills Co.). Plea of guilty. Fine, \$50. (F. & D. No. 27435. I. S. No. 16192.)

Samples of a product, represented to be lima beans, having been found to consist of beans other than lima beans, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Robert H. Wilkinson and John B. Park, copartners, trading as E. W. Mills Co., Philadelphia, Pa., alleging shipment by said defendants, on or about February 24 and March 9, 1931, from the State of Pennsylvania into the State of Maryland, of a quantity of alleged lima beans that were adulterated and misbranded. The article was labeled in part: (Sacks) "Tally-Ho Domestic Lima Beans."

It was alleged in the information that the article was adulterated in that beans other than lima beans had been substituted in whole and in part for lima beans, which the article purported to be.

Misbranding was alleged for the reason that the statement "Lima Beans," borne on the sacks containing the article, was false and misleading in that the said statement represented that the article consisted wholly of lima beans; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of lima beans; whereas it did not so consist, but did consist in whole and in part of beans other than lima beans. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article.

On January 21, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19338. Adulteration of cabbage. U. S. v. 417 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27368. I. S. No. 43629. S. No. 5571.)

Arsenic having been found on cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 417 hampers of cabbage at Jersey City, N. J., alleging that the article had been shipped by C. E. Gibson from Meggett, S. C., on or about December 7, 1931, and had been transported in interstate commerce from the State of South Carolina into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gibson Jr."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On January 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19339. Adulteration of candy. U. S. v. 27 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27346. I. S. No. 34896. S. No. 5517.)

The candy involved in this action consisted of pieces all of the same outward appearance but with pennies concealed in some of them.

On December 7, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 boxes of candy, remaining in the original unbroken packages at Buffalo, N. Y., consigned by R. F. Keppel & Bro. (Inc.), Lancaster, Pa., alleging that the article had been shipped from Lancaster, Pa., on or about November 3, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Penny Chocolate Pigs."

It was alleged in the libel that the article was adulterated in that it contained an ingredient, deleterious or detrimental to health, and in that it contained an

added poisonous or other added deleterious ingredient which might have rendered it injurious to health, to wit, a copper cent.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19340. Adulteration of tullibeas. U. S. v. 100 Boxes of Frozen Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27320. I. S. No. 39382. S. No. 5504.)

Samples of frozen tullibeas from the shipment herein described having been found to be infested with triaenophorous cysts (indicating worm infestation), the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On November 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 boxes of frozen tullibeas, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Nordic Fish Co., alleging that the article had been shipped from Winnipeg, Manitoba, Canada, on May 28, 1931, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On December 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19341. Adulteration and misbranding of evaporated apples. U. S. v. John Rankin (Rankin & Son). Plea of guilty. Fine, \$10. (F. & D. No. 26550. I. S. No. 14825.)

The product involved in this action consisted of insufficiently evaporated apples. It was also partly decomposed and was short weight.

On August 3, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John Rankin, trading as Rankin & Son, Johnson, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about January 12, 1931, from the State of Arkansas into the State of Oklahoma, of a quantity of evaporated apples that were adulterated and misbranded. The article was labeled in part: (Boxes) "Net Wt. 25 Lbs. when packed Our Pride Evaporated Apples Packed by Rankin and Son, Springfield, Ark."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, insufficiently evaporated apples, had been substituted in part for evaporated apples, which the said article purported to be. Adulteration was alleged for the further reason that the article consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

Misbranding was alleged for the reason that the statements, to wit, "Evaporated Apples" and "Net Wt. 25 Lbs.," borne on the boxes, were false and misleading in that the said statements represented that the article consisted wholly of evaporated apples and that each of the boxes contained 25 pounds net weight of the said article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples and that each of the boxes contained 25 pounds net of the article; whereas it consisted in part of insufficiently evaporated apples, and each of said boxes did not contain 25 pounds of the said article, but did contain a less amount.

On November 7, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19342. Adulteration of pecans in shell. U. S. v. 20½ Cases of Pecans in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27364. I. S. No. 9098. S. No. 5553.)

Samples of pecans from the shipment herein described having been found to be moldy and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.